

October 26, 2005

**TO: The Committee Members of the
Sexual and Other Criminal Offenses, Criminal Penalties,
and Sentencing Practices Study Committee**

RE: Sex Offender Residency Restrictions

My name is Susan Fox, and I live in Des Moines. If you have follow-up to my comments, my contact information is on the papers I've passed out. I prefer my personal info not be disclosed to the press.

I really appreciate the opportunity to address this committee.

My brother is on the Sex Offender Registry. (His last name is NOT the same as mine.) He pled guilty to receiving child pornography in the mail. He had NO personal contact with a child in the commission of his crime, and in the normal course of his life before prison, he rarely had contact with children in our family, much less children in general. He's currently serving parole here in Des Moines, and I think he's got another year and a half or so to serve. Because he searched for months for a job and managed only to get a minimum wage job, he has to live with our mother because his income doesn't allow for independent living.

He wears an ankle bracelet; he had a phone line installed at our mom's house to receive check-up phone calls from his parole monitor; he makes a full accounting of himself to his parole officer, biweekly; he is taking and cooperating with weekly sex offender therapy, complete with psychological testing and periodic polygraph tests during the length of his parole; and he also has a high level of accountability to our family, who not only expect that he cooperate with his therapy and make progress, but that he fulfills our expectations to abide by the laws of our community and society.

But now the new state law regarding offender residency has gone into force and we're facing not only a family crisis, but a level of desperation that has caused us a lot of anguish. We aren't rich, so we don't have the resources or the personal contacts to relocate my brother to another state. Plus, he's serving his parole here in the southern district of Iowa. It won't be so easy to move him into another district, though I assume it can be done.

From last November until about March, we picked him up at the Fort Des Moines Correctional Facility several times a week and sometimes daily, to drive him around Des Moines and central Iowa so he could apply for jobs. He was relentlessly turned down for employment because he has to disclose not only his felony conviction and parole status, but being on the Sex Offender list is a real deterrent to employment. There's no way we could make that almost daily effort again and take it on the road to another state. We have jobs of our own to keep, and no doubt we'd be encumbered by his current parole restrictions. And, under the circumstances, my brother's current job may well be irreplaceable, so it's critical that he stay within easy driving distance of the job he has now. We don't have the means to buy him highway-worthy transportation for him to commute a distance to Des Moines, and he has health problems that make long car rides problematic.

In addition to the employment problems uprooting him would cause, we've looked for places for him to live, figuring we'll be able to scrape together the money to help him pay rent, but since we're compelled to disclose his registry status, folks refuse to rent to him. Plus, every town seems to have got on the banishment bandwagon, including counties now. We could be playing an endless game of musical chairs.

My brother served time for his crime. (I mention again that his crime involved no personal contact with a child.) He's jumping through all the hoops now during his parole, and as long as my sister and I are alive, we plan to make sure he stays on the straight and narrow. Since independent living might not ever be a possibility for him income-wise, we accept our family responsibility to provide him with a place to live with one of us.

But now our plans for him are in jeopardy. We may have to drive our brother out-of-state to a homeless shelter, provided his parole officer consents and another district agrees to allow that. Doing such a thing would cut him off from family, impede his therapy, and generally remove his motivation to do better.

The new law leaves many of these people with the choice of either returning to jail or becoming vagabonds. How many will simply cut off their ankle monitors and vanish? We don't have the law enforcement resources to catch them all.

I know the legislature meant well when they originally came up with this law, but it's created more problems than it's solved, and I doubt it will result in safety for the children of Iowa.

Probably the worst thing of all is that the people on the Sex Offender Registry now have nothing to lose. That's not a thought that comforts me. You have a class of people who've served their time, yet now face additional exile from family and community, with the added problem of moving to another community—if anyone there will hire them or rent to them—and the very real possibility of facing yet another eviction from that community, unless the Supreme Court intervenes.

Added to that, the Sex Offender Registry depends on these people showing up and disclosing their place of residence. The new law discourages that compliance, particularly when the penalty for having chosen the wrong place to live and not having the means to leave, is prison.

I'm afraid what we'll get for this law is a new strata of former offenders, doing what they can to survive outside the view of law enforcement. The appeal of getting a new (and illegal) identity, not to mention an understandable reluctance to seek further offender therapy or counseling, will be great, especially since seeking that therapy will alert law enforcement. Will children of any state be safer once these folks learn how to change their identities and disappear? The potential for increased harm to children seems multiplied.

Look, I'm like you. Crimes against children are despicable, particularly sexual ones. But this law won't help. Imagine that sex offender. He's served time, he's either gone through or is going through parole, is taking or has taken offender therapy, but what's his motivation to walk the straight and narrow now? What's his motivation to change and stay changed?

Having a home is one of our most basic needs. Being a citizen of the United States used to guarantee that you could have a home, and as long as you obeyed the law and paid your bills

and taxes, you could live in your home. Now, law-abiding or not, you're being evicted. Child molester or not, you're evicted.

Most of us work hard at something because we're looking forward to a reward of some kind. But how many of us would work hard at something if we couldn't earn something better for ourselves? If there's no reward, why put ourselves through it? I'm sure it's the same for these people. Why should they go through therapy and cooperate with their parole officer and the terms of their parole and report their residence on an offender registry if they can't earn a better place in society? Or to at least earn the right to live with their families?

What this law has done is to remove the prize for compliance and law-abiding behavior, because lifetime banishment is a continuing punishment that ensures they'll never be able to earn a place in society.

Following is a list of comments or questions I hope you'll consider. Please forgive any redundancies.

- 1) Childcare centers are supervised by responsible adults. Children are delivered inside the facility and picked up inside the facility. I thought it was always the policy of centers not to release a child into the custody of unauthorized persons. Besides, the neighborhood sex offender is usually working a job during most childcare and school hours, so he/she might not even be around.

And there must be a million in-home daycare providers. Why isn't it expected that their supervision is even better than the large, free-standing centers? I don't believe these in-home daycares should be subject to the 2,000-foot law because many come and go, and in residential daycare homes, the children are more closely supervised than in their own homes.

- 2) Schools have less direct adult supervision, so a "safe zone" is more understandable, though 2,000 feet is as excessive as it is arbitrary. Are children safer at 2,000 feet than they are at 1,999?
- 3) What's the point of assigning offender therapy? What's the point of that therapy if there's no place for them to live once they've completed it? Why take it seriously? Offender therapy would become little more than a mockery—something society demands, but you don't earn any gold stars for.
- 4) So we've banished these folks and they've moved to the country someplace. Where are the neighbors who can observe their comings and goings? Now they're in a no-man's-land as far as law enforcement supervision goes. Since there's no one around to see what they're doing, what do you suppose the actual molesters among them would be tempted to do? What if, on their next trip to town, they brought home a kid from their latest trip to the Jordan Creek Mall or a kid they got from a park or school sidewalk?
- 5) Any chance of getting a past offender involved in a church large enough to have additional counseling, a post-release program, and accountability is nil. And why would any of them drive into town to see any counselor? That costs money and takes time that will result in no improvement in their status.

- 6) Why should we shove our problem folks onto other states? I'm sure that little girl at the library would have appreciated it if Texas had kept their own sex offender under surveillance in Texas. Besides which, he hadn't been identified as a pedophile prior to his crime at the library.
- 7) The obvious: One sex offender is not like another. Everyone on the Sex Offender Registry is not a danger to children.
- 8) People on the Sex Offender Registry may be the some of the safest people around as long as we know who they are and where they are.
- 9) Statistically, it's usually the live-in boyfriend who's the biggest sexual danger to kids, and he's not made the offender list yet. And most kids know their offender, so it's not the stranger who's the biggest threat. Along with this is the very real danger that there may be an even greater reluctance to turn in an offender, for fear that doing so would "break up the family" or "ruin" a life.
- 10) Laws do not stop crime. Laws can only give grounds for prosecution and sentencing after the crime is committed.
- 11) This one is the worst: This law may provide even more encouragement for a molester to murder a child to help conceal his identity. We've seen far too many of these already.

I ask the legislature to consider instead longer prison terms, along with professional evaluation of offenders after they've completed mandatory offender therapy during parole. If monitoring is necessary, we've got the technology, and we're already using it. I'd like us to keep using it for those deemed at risk after their parole is complete, but let these people live where they can find and make a home.

As a P.S., I'd like to see this state redirect some of its resources to public service announcements to educate the public about the potential hazards of live-ins, lack of parental supervision, etc., as relates to this subject.

There will never be a law that will make children safe. Only parental supervision and healthy vigilance over the people who have regular contact with your child can truly keep them safe.

Thank you for your time and consideration.

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